

# HOUSE . . . . . No. 651

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By Mr. Goguen of Fitchburg, petition of Emile J. Goguen and others relative to banning the practice of partial-birth abortions. The Judiciary.

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## The Commonwealth of Massachusetts

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### PETITION OF:

Emile J. Goguen  
Philip Travis

Elizabeth A. Poirier  
Walter F. Timilty

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In the Year Two Thousand and Five.

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### AN ACT BANNING PARTIAL-BIRTH ABORTIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 12K of Chapter 112 of the General Laws  
2 is hereby amended by adding at the end, the following para-  
3 graph:—

4 “Partially born,” the delivery of a living unborn fetus’ body,  
5 with the entire head attached, so that any of the following has  
6 occurred:

7 (a) The living intact fetus’s entire head, in the case of a  
8 cephalic presentation, of any portion of the living intact fetus’s  
9 torso above the navel, in the case of a breech presentation, is  
10 delivered past the mother’s vaginal opening; or

11 (b) The living intact fetus’s entire head, in the case of a  
12 cephalic presentation, or any portion of the living intact fetus’s  
13 torso above the navel, in the case of a breech presentation, is  
14 delivered outside the mother’s external abdominal wall.

15 “Sharp curettage abortion” or “suction curettage abortion,”  
16 means an abortion in which the developing child and the products  
17 of conception are evacuated from the uterus with a sharp curettage  
18 or through a suction cannula with an attached vacuum apparatus.

1 SECTION 2. Section 12 M of chapter 112 of the General Laws  
2 is hereby amended by adding at the end of the first sentence the  
3 following new section:—

4 Section 12 MM. Any person who intentionally causes the death  
5 of a living intact fetus while that living intact fetus is partially  
6 born, shall be punished by a fine of not less than five hundred dol-  
7 lars nor more than two thousand dollars, or by imprisonment of  
8 not less than three months nor more than five years, or by both  
9 said fine and imprisonment. Conduct which violates this section  
10 which also violates any other criminal laws of the Common-  
11 wealth, may be punished either under this section or other applic-  
12 able criminal laws. The mother of the living intact fetus may not  
13 be prosecuted for a violation of this section or for conspiracy to  
14 violate this Act.

15 This section does not apply to a sharp curettage or suction  
16 curettage abortion. This section does not prohibit a physician from  
17 taking measures that in the physician's medical judgment are nec-  
18 essary to save the life of the mother whose life is endangered by a  
19 physical disorder, illness, or injury, if:

20 (a) Every reasonable precaution is also taken, in this case, to  
21 save the child's life; and

22 (b) The physician first certifies in writing, setting forth in detail  
23 the fact upon which the physician relied in making this judgment.  
24 The certification may be completed afterwards only in the case of  
25 an emergency which threatens the life of the mother.

1 SECTION 3. If any provisions of this Act or its application to  
2 any person or circumstance are held invalid, the remainder of the  
3 act or the application of the provision to other persons or circum-  
4 stance is not affected.